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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

SEP 23 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Advanced Television Systems
And Their Impact Upon The
Existing Television Broadcast
Service

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MM Docket No. 87-268

To: The Commission

**OPPOSITION TO PETITION FOR RECONSIDERATION
AND CLARIFICATION, AND SUPPLEMENT THERETO**

Detroit Educational Television Foundation ("Foundation"), through its attorneys, files herewith its Opposition to the Petition for Reconsideration and Clarification ("Petition"), and Supplement thereto, filed by Cannell Cleveland, L.P. (*Cannell") in the above-captioned proceeding, which adopted the Digital Table of Allotments and related technical rules regarding the digital television broadcast service. In support thereof, the following is shown:

1. The Foundation is the licensee of noncommercial educational television Station WTVS which operates on Channel *56 at Detroit, Michigan. Under the Commission's Digital Table of Allotments, Station WTVS would operate on DTV Channel *43.

2. Cannell is the licensee of commercial television Station WUAB(TV) operating on NTSC Channel 43 at Lorain, Ohio. Cannell has been allotted DTV Channel 28 at Lorain. In its Petition and Supplement, Cannell contends that the operations of the Foundation's Station WTVS on DTV Channel *43 at Detroit (in combination with the operations of Station WGGN(TV) on DTV Channel 42 in Sandusky, Ohio) would cause

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significant interference to Station WUAB(TV)'s existing NTSC service. Cannell claims that interference from Station WTVS would affect 215,000 households and 586,000 individuals within its Grade B contour. Cannell urges that the Commission should rule that Station WTVS should "not be permitted to increase DTV power until WUAB has ceased NTSC operation."

3. Cannell's claims are without merit and should be rejected by the Commission. Attached hereto is an engineering statement from the Foundation's consulting engineer which analyzes in detail Cannell's engineering showing. As shown in that statement, the Commission's rules make no provision for "adjustments" to propagation calculations related to interference predicted in the Great Lakes region, as proposed by Cannell. Nor has Cannell justified the need for, or the magnitude of, such adjustments. Furthermore, the Commission's rules already provide protection for NTSC stations relative to power increases by DTV facilities and no further restrictions are warranted.

4. The Foundation is deeply concerned about the limitations which Cannell proposes to add to the Foundation's DTV Channel 43 allotment. That allotment already contains serious deficiencies, in view of the fact that it fails to replicate the existing service area of Station WTVS. Rather, operations on DTV Channel *43 would serve only 90.9% of the current service afforded by Station WTVS --- one of the most dramatic illustrations of non-compliance with replication principles by a public broadcast station in the entire country.

5. Cannell now proposes the further restriction that Station WTVS should not be permitted to increase DTV power until Station WUAB at some unknown time in the

future has ceased NTSC operation. An increase in DTV power remains Station WTVS' best hope that it will be able not only to maximize the use of DTV Channel *43 but also to encompass the increased power proposed in the Foundation's pending application, which was filed with the Commission on February 5, 1996 (File No. BPET-960205KF), and which should be the proper database for Station WTVS' existing NTSC operation. Through such power increases, Station WTVS as a UHF broadcaster may be able to compete more effectively with other stations in the market. Cannell's proposed power limitation would hamper such necessary and needed maximization of the facilities of public broadcast stations. Grant of the relief requested by Cannell would thus disserve the public interest and must be denied by the Commission.

WHEREFORE, for all of the reasons set forth above, the Foundation urges the Commission to deny Cannell's request for relief because of its adverse impact upon the Foundation's proposed DTV operations on Channel *43 at Detroit, Michigan.

Respectfully submitted,

DETROIT EDUCATIONAL TELEVISION
FOUNDATION

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Its Attorneys



ENGINEERING STATEMENT

of

John F.X. Browne, P.E.

on behalf of the

Detroit Educational TV Foundation

licensee of

WTVS-TV

Detroit, MI

Cannell Cleveland, L.P., licensee of WUAB-TV, Cleveland, OH (Cannell) filed a supplement to its Petition for Reconsideration and Clarification¹ in which it suggests that WTVS-TV be prevented from increasing its DTV power (WTVS-DT Channel 43) because of alleged co-channel interference to Cannell's WUAB-TV NTSC operations in Lorain, OH, also on Channel 43, at least until such NTSC operation ceases.

Cannell's engineering showing is based on a theory that anomalous propagation over and near Lake Erie (which lies between Detroit and Cleveland) will somehow result in a reduction of the desired WUAB-TV signal and an increase in the WTVS-DT signal such that the C/I is reduced by as much as 6 dB. While the Commission has recognized the frequent anomalous propagation conditions in the Gulf Coastal regions (by establishing a special Zone III with increased separation criteria) it has not done so for any other area of the U.S. and specifically not for any of the Great Lakes area; this is due, in part, to the fact that the average atmospheric refractive indices for these areas do not vary widely from the average values in other parts of the country — a statement not applicable to the Gulf Coast areas.

¹ Re Sixth Report & Order in the Digital Television proceeding.

Cannell has presented no scientific basis for imposing such a restriction and, in fact, appears to be basing its request on anecdotal information. Furthermore, the interference calculations do not appear to be correct, even if one assumes, arguendo, that the 6 dB difference would occur. First, by inspection, virtually all of the interference from WTVS would fall over Lake Erie. Second, interference from WTVS over U.S. land areas would appear to occur only in Ottawa County (a county in the Toledo DMA, not the Cleveland DMA). The TV households in Ottawa County total 15,270 while Cannell claims that 215,000 households would be affected by WTVS under the assumed anomalous propagation conditions. Third, interference in Ottawa County will be caused by adjacent-channel interference from WGGN-DT at Sandusky, OH, which interference will be present regardless of the power being used by WTVS-DT.

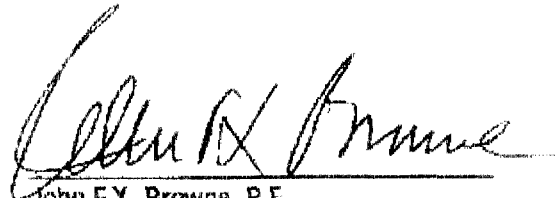
Conclusion

The Commission's Rules and Regulations make no provision for "adjustments" to propagation calculations related to interference predicted in the Great Lakes area nor has the petitioner submitted any scientific basis of either the need for such adjustments or the magnitude of the adjustment assumed.

The Commission's rules already provide protection for existing NTSC stations relative to power increases proposed by DTV facilities and there is no need to impose additional restrictions.

Certification

This statement was prepared by me or under my direction. All assertions contained in the statement are true of my own personal knowledge except where otherwise indicated and these latter assertions are believed to be true.

A handwritten signature in cursive script, appearing to read "John F.X. Browne", written over a horizontal line.

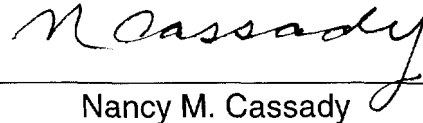
John F.X. Browne, P.E.
September 23, 1997

/s/

CERTIFICATE OF SERVICE

I, Nancy M. Cassady, Secretary in the law offices of Schwartz, Woods & Miller, hereby certify that I have on this 23rd day of September, 1997, sent by First Class United States mail, postage prepaid, copies of the foregoing **OPPOSITION TO PETITION FOR RECONSIDERATION AND SUPPLEMENT THERETO** to the following:

Elizabeth A. McGeary, Esquire
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Nancy M. Cassady